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Dona G. Bradshaw

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TRANSCRIPT OF PROCEEDINGS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

IN RE APPLICATIONS OF:

MM DOCKET NO. 93-107

Westerville, Ohio

RECEIVED

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FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Applications of:

MM Docket No. 93-107

Westerville, Ohio

The above-entitled matter came on for evidentiary admissions session pursuant to notice before Walter C. Miller, Administrative Law Judge, at 2000 L Street, N.W., Courtroom 4, Washington, D.C., on Friday, August 20, 1993, at 8:30 a.m.

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On behalf of David A. Ringer:

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On behalf of ASF Broadcasting Corporation:

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On behalf of Wilburn Industries, Inc.:

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On behalf of Shellee F. Davis:

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FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
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1 APPEARANCES (continued):

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7 On behalf of the Mass Media Bureau:

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P R O C E E D I N G S

(8:30 a.m.)

1 JUDGE MILLER: This is the date for the evidentiary
2 admission session in the Westerville, Ohio, FM proceeding, MM
3 Docket 93-107. We're here today to formally identify and
4 offer the exhibits that you exchanged last Monday, August
5 16th, 1993. Let's take some appearances. For David A.
6 Ringer?

7 MR. BELENDIUK: Good morning, Your Honor. Arthur
8 Belendiuk for Smithwick and Belendiuk.

9 JUDGE MILLER: For ASF Broadcasting?

10 MR. KOERNER: James A. Koerner of Baraff, Koerner,
11 Olender, and Hochberg.

12 JUDGE MILLER: For Wilburn Industries, Inc.? Let
13 the record reflect there was no response. For Shellee F.
14 Davis?

15 MR. ALPERT: Dan J. Alpert.

16 JUDGE MILLER: For Ohio Radio Associates, Inc.?

17 MR. YELVERTON: Your Honor, Stephen Yelverton of the
18 law firm of McNair and Sanford and also I'd like to note for
19 the record that 20 years ago today I joined the Commission as
20 a staff attorney, just out of law school, started on August
21 the 20th.

22 JUDGE MILLER: Well, that, that, that means that you
23 don't -- even if you were here, see, you wouldn't have 20
24 years of service, which is, which is -- but you might have 17.

1 MR. YELVERTON: Yes, sir.

2 MR. ALPERT: As Edward R. Murrow would say, a day in
3 infamy, Your Honor.

4 JUDGE MILLER: All right. For, for the Chief, Mass
5 Media Bureau.

6 MR. GOLDSTEIN: Norman Goldstein sitting in for
7 James F. Shook.

8 JUDGE MILLER: All right. Before we get started,
9 let me give a progress report on where we stand from an
10 interlocutory standpoint. My records show that I ruled on all
11 interlocutory motions except the two Motions to Enlarge issues
12 that have been filed against David A. Ringer by Shellee Davis
13 and Ohio Radio Associates on August 18th, 1993, that is two
14 days ago.

15 The only surprise I got -- that I had when I
16 received those motions was that when I went over the
17 interlocutory section at the -- on the 16th, nobody gave me
18 any clue that that was going to happen. But that's the way
19 life is, you see, there's always somebody that doesn't get the
20 word.

21 But any oppositions to or comments on Davis' and
22 Ohio Radio's motions aren't due until September 1st, 1993, and
23 assuming an opposition is filed on September 1st, the replies
24 will not be due until September 14th, 1993. This means that
25 these two enlargement requests are not ripe for adjudication

1 yet and it also means that if one or more of those motions are
2 granted, that we're going to have to set up a new Phase 2
3 date. I canceled it at the -- dates on the previous Phase 2
4 date because of the dismissal of Westerville.

5 But with those preliminary -- with that report out
6 of the way, are there any preliminary matters that you want to
7 bring up, Mr. Belendiuk?

8 MR. BELENDIUK: Your Honor, just for the record I
9 noticed that, I think, one or both of the motions were filed
10 against my client. I haven't been served with either. I
11 assume I will be in due course.

12 MR. YELVERTON: Your Honor, if I, I could note for
13 the record, the Petition to Enlarge Issues filed by Ohio Radio
14 Associates was served by mail on the date noted and I have had
15 the experience sometimes it takes two, three, or four days for
16 mail delivery in the District of Columbia. And I have
17 received some --

18 JUDGE MILLER: Well, the filing date was the 8 --
19 the filing date was the 18th, wasn't it?

20 MR. YELVERTON: That's when it was mailed to Mr.
21 Belendiuk.

22 JUDGE MILLER: I'm going to ask the question again,
23 Mr. -- I want you to answer the question and not answer what
24 you'd want to -- what you did with Mr. Belendiuk.

25 MR. YELVERTON: Yes.

1 JUDGE MILLER: It was filed on the 18th, was it not?

2 MR. YELVERTON: That's correct, Your Honor.

3 JUDGE MILLER: All right. That's, that's what I
4 wanted to know. That was filed on the 18th and was mailed --
5 and Mr. Yelverton says he mailed it to you on the 18th. If
6 you haven't received it, welcome to the club. Mr. Alpert?

7 MR. ALPERT: I'd just like to respond in similar
8 manner insofar as that, yes, my motion was also filed on the
9 18th and Mr. Belendiuk was served with the document on the
10 18th. It was, however, by mail rather than by hand service so
11 he should be receiving that, I would assume, shortly.

12 JUDGE MILLER: All right. Well, the dates that I
13 quoted took into account mailing. When I said that the
14 opposition wasn't due until September 1st I, I counted ten
15 plus three and so I've, I've gone under the same assumptions
16 that you men have.

17 MR. BELENDIUK: Your Honor, I hate to ask. I know
18 how you feel about motions for extensions --

19 JUDGE MILLER: I know I -- I know you do, and I
20 wouldn't, I wouldn't file -- I wouldn't ask for one until at
21 least I saw the pleadings and read them.

22 MR. BELENDIUK: Well, Your Honor, except that
23 there's, there's two problems. I have a brief due at the
24 Court of Appeals on September 2nd and your hearing starts on
25 the 31st. That's pretty much a full plate, even if it's --

1 even if it can be responded to. If I could have until, I
2 think the 3rd is a Friday and then I -- the 4th, 5th, 6th --
3 the 7th, I think, is a Tuesday. If I could have until the 7th
4 to --

5 JUDGE MILLER: How many days is that?

6 MR. BELENDIUK: Well, there's a weekend in between.
7 It's only two business days that I'm asking an extension for.

8 JUDGE MILLER: September 1st.

9 MR. BELENDIUK: Right. The 2nd is -- my, my brief
10 is -- well, actually three business days I'm asking an
11 extension for, because there's a three-day weekend in between.

12 JUDGE MILLER: Are you making a formal motion?

13 MR. BELENDIUK: I, I can, yes.

14 JUDGE MILLER: Well, not, not -- I know you can --

15 MR. BELENDIUK: No, I mean --

16 JUDGE MILLER: Let's, let's, let's see if we can --
17 I know it's early, but let's see if we can't wake up. Are you
18 making a motion --

19 MR. BELENDIUK: Yes, Your Honor.

20 JUDGE MILLER: -- or are you going to file a motion
21 or what -- how, how do you intend to seek relief?

22 MR. BELENDIUK: What I'm asking you, can I make one
23 orally? If that's okay with you?

24 JUDGE MILLER: You can make one orally. Have you
25 made one?

1 MR. BELENDIUK: Yes, Your Honor.

2 MR. YELVERTON: Your Honor, Ohio Radio Associates
3 has no objection to, to the extension time request.

4 JUDGE MILLER: All right. Mr. Alpert?

5 MR. ALPERT: I also have no objection.

6 JUDGE MILLER: How do you feel, Mr. Koerner? Do you
7 have any feelings one way or the other?

8 MR. KOERNER: No objection, Your Honor.

9 JUDGE MILLER: All right. Mr. Goldstein?

10 MR. GOLDSTEIN: Absolutely no feeling whatsoever.

11 JUDGE MILLER: What, what, what you want to do --
12 7th.

13 MR. BELENDIUK: I don't have a calendar. It's the
14 Tuesday after Labor Day.

15 MR. YELVERTON: It's the 7th, Your Honor.

16 MR. BELENDIUK: The 7th, Your Honor.

17 JUDGE MILLER: It is the 7th?

18 MR. BELENDIUK: Yes.

19 JUDGE MILLER: Okay. Orally your oral motion is
20 granted and you have until the 7th of September 1993 to
21 respond to the two motions to enlarge that have been filed
22 against you that I just described. All right?

23 MR. YELVERTON: Your, Your Honor, I'd like to note
24 for the record you mentioned at the previous pre-hearing
25 conference that you weren't notified of the filing of this

1 | Petition to Enlarge Issues. Ohio Radio Associates --

2 | JUDGE MILLER: I didn't, I didn't say I wasn't
3 | notified. I just said that I went over a section in the pre-
4 | hearing order called interlocutory motions. And I would have
5 | thought that somebody would say, well, I'd like to tell you
6 | judge, I've got another interlocutory in the mail.

7 | MR. YELVERTON: Your Honor, I --

8 | JUDGE MILLER: But, but it's, it's no great moment.

9 | MR. YELVERTON: Okay. Your Honor, I just want to
10 | say, Ohio Radio Associates did not even focus on this Motion
11 | to Enlarge Issues or start on it until the 17th. So, you
12 | know, on the pre-hearing conference date it was not -- wasn't
13 | a conceived idea.

14 | JUDGE MILLER: All right. All right. Being's that
15 | you were working late there.

16 | MR. YELVERTON: Yes.

17 | JUDGE MILLER: Or quickly. One of the two. Or
18 | both. All right. But any -- I've completed what I had to
19 | say. Do you have any preliminary matters you wish to bring
20 | up, Mr. Belendiuk, outside of the one you just brought up?

21 | MR. BELENDIUK: No, Your Honor.

22 | JUDGE MILLER: Mr. Koerner?

23 | MR. KOERNER: Not at this time, Your Honor.

24 | JUDGE MILLER: I can't ask Mr. Kravetz or Ms.

25 | Connors, because they're not here. Mr. Alpert?

1 MR. ALPERT: Only, Your Honor, that I might note for
2 the record also that the --

3 JUDGE MILLER: Good afternoon.

4 MS. CONNER: Good afternoon, Your Honor. If you'll
5 give me a minute, I'll explain my tardiness and my --

6 JUDGE MILLER: All right. All right. Just let me,
7 let me listen to Mr. Alpert, then I'll come to you. Okay?

8 MS. CONNER: Thank you, Your Honor.

9 MR. ALPERT: I might note, Your Honor, that at the
10 pre-hearing conference -- we had the hearing conference that
11 was held the other day, I had not yet filed the Motion to
12 Enlarge Issues, hence the -- I could not inform you of the
13 filing at that point. And also I might state for the record,
14 I'm going to be dropping off a copy to you this morning. I,
15 yesterday, filed a Motion to Enlarge Issues against Wilburn
16 Industries, Inc. And that is on file and your courtesy copy
17 will be dropped off, probably right after this hearing. And
18 those have been served by mail, so that three extra days
19 should be figured into any schedule that you might put
20 together for when oppositions or replies might be due --

21 JUDGE MILLER: Well, they'll -- it'll have to be
22 included in, in, in the Phase 2 that's set up, because, I mean
23 -- if, if enlargement is granted.

24 MR. ALPERT: And I have no further preliminary
25 matters.

1 JUDGE MILLER: All right. Ms. Conners, do you have
2 a little speech you need to make here?

3 MS. CONNER: Well, yes, sir, Your Honor. I -- first
4 of all, I'd like to apologize for being late and my
5 appearance. Mr. Kravetz was supposed to be back from vacation
6 today and obviously something very wrong has happened that he
7 is not here. He certainly would not take your orders lightly.
8 I have not talked with him. I'm sure that maybe one of my --
9 one of the partners at my firm has. But I got to the office
10 to brief him on what had happened on Monday and he was not
11 there so I ran over here. And I apologize for being late.

12 JUDGE MILLER: All right. When you, when you get a,
13 a few minutes, talk to Loretta Tolbin and she'll -- she's,
14 she's been the route. She can commiserate with you. Okay?

15 MS. CONNER: Thank you, Your Honor.

16 JUDGE MILLER: Do you have any preliminary matters
17 you wish to bring up?

18 MS. CONNER: No, Your Honor.

19 JUDGE MILLER: All right. Mr. Yelverton, any
20 preliminary matters you wish to bring up?

21 MR. YELVERTON: Your Honor, I have a Petition to
22 Enlarge Issues against ASF, which will be filed today and I
23 will accomplish hand service to all the parties and Your Honor
24 at least by the conclusion of the pre-hearing conference.

25 JUDGE MILLER: Conclusion of what?

1 MR. YELVERTON: By the time this conference is over.

2 JUDGE MILLER: Oh, this is an evidentiary admissions
3 session?

4 MR. YELVERTON: Excuse me, admissions session.

5 JUDGE MILLER: Yes. All right. I wouldn't want
6 the, I wouldn't want the Board to be mislead into thinking
7 that these, these are necessarily timely filed, Mr., Mr.
8 Yelverton, but I will -- that's something that I will take up
9 when we get to it. Okay. That's all we, we -- that'll be
10 included if, you know, if it's granted, that'll, that'll form
11 a Phase 2 for us, okay? So we now know where we stand. Two
12 motions to enlarge outstanding against Ringer, one yesterday
13 against Wilburn, and another one against ASF. So there we
14 are. Having completed the preliminary matters, are we ready
15 to get to the joint engineering -- get the joint engineering
16 exhibit out of the way, Mr. Koerner?

17 MR. KOERNER: Yes, Your Honor.

18 JUDGE MILLER: All right. Proceed.

19 MR. KOERNER: I'm handing the Reporter the original
20 and one copy of the document consisting of a cover page with a
21 table of contents, declaration of John J. Mullaney, five pages
22 of text, and Figures 1 through 25. It's entitled Joint
23 Engineering Exhibit and I would ask that it be marked for
24 identification as Joint Exhibit 1.

25 JUDGE MILLER: All right. It'll be marked as Joint

1 Engineering Exhibit 1. That way we'll -- let's see. What is
2 today. Today is the 20th. It will be identified as Joint
3 Engineering 1.

4 (Whereupon, the document referred to
5 as Joint Engineering Exhibit No. 1
6 was marked for identification.)

7 JUDGE MILLER: Do you move it into evidence?

8 MR. KOERNER: I do, Your Honor.

9 JUDGE MILLER: Any objections, Mr. Goldstein?

10 MR. GOLDSTEIN: No, Your Honor.

11 JUDGE MILLER: Anybody want to be heard on the
12 proffer that has been made?

13 MR. YELVERTON: Yes, Your Honor. Ohio Radio
14 Associates would move to strike the exhibit with respect to
15 the application of Ringer and ASF on the basis that neither of
16 those applicants provided in their cost estimates for a
17 directional antenna and without having a directional antenna,
18 the coverage they propose could not be accomplished.

19 JUDGE MILLER: You're objection's overruled. And
20 the matter is -- those, those statistics will not be stricken.
21 I'll, I'll deal with your directional antenna allegations more
22 forthrightly in your Petition to Enlarge.

23 MR. YELVERTON: Your Honor, they are indeed in
24 there.

25 JUDGE MILLER: Yes, I am aware. All right. Anybody

1 else want to be heard? Joint Engineering Exhibit No. 1 is
2 received, subject to the ruling that I just made.

3 (Whereupon, the document referred to
4 as Joint Engineering Exhibit No. 1
5 was received into evidence.)

6 JUDGE MILLER: We come now to Mr. Belendiuk. Mr.
7 Belendiuk, are you ready to proceed?

8 MR. BELENDIUK: I am, Your Honor.

9 MR. GOLDSTEIN: Your Honor, with the indulgence of
10 the court --

11 JUDGE MILLER: You -- yes, you're, you're excused.

12 MR. BELENDIUK: Your Honor, at this time I'll be
13 giving Mr. Goldstein a copy of the petition --

14 JUDGE MILLER: All right.

15 MR. BELENDIUK: Your Honor, I --

16 JUDGE MILLER: Mr. Goldstein, the way it stands now,
17 I'll make sure that Mr. Shook is notified when the date for
18 filing the proposed findings is concerned if he wants to put
19 that in a little squib about coverage.

20 MR. GOLDSTEIN: Okay, Your Honor.

21 JUDGE MILLER: Okay?

22 MR. GOLDSTEIN: Thank you very much.

23 JUDGE MILLER: Yeah. All right. Proceed, Mr.
24 Belendiuk.

25 MR. BELENDIUK: Your Honor, I've handed the Court

1 Reporter an original and one copy of a document entitled
2 Hearing Exhibits of David A. Ringer. That document consists
3 of four hearing exhibits being exhibit, which I would now like
4 to mark for identification. First, Exhibit 1, which consists
5 of one page and is entitled Ownership Structure and is
6 accompanied by a one-page declaration. I'd like to have that
7 identified as David A. Ring-- David A. Ringer Exhibit 1.

8 JUDGE MILLER: The document you just described will
9 be marked for identification as David A. Ringer Exhibit 1.

10 (Whereupon, the document referred to
11 as David A. Ringer Exhibit No. 1 was
12 marked for identification.)

13 MR. BELENDIUK: Next, I'd like to have identified --
14 I'd like to have marked for identification, David A. Ringer
15 Exhibit 2, entitled Integration Proposal, which consists of
16 two pages and a declaration.

17 JUDGE MILLER: The document you just described will
18 be marked for identification as David A. Ringer Exhibit 2.

19 (Whereupon, the document referred to
20 as David A. Ringer Exhibit No. 2 was
21 marked for identification.)

22 MR. BELENDIUK: Okay. Next, I'd like to have marked
23 for identification, David A. Ringer Exhibit 3, entitled
24 Auxiliary Power. That exhibit consists of one page and a
25 declaration.

1 JUDGE MILLER: The document you just described will
2 be marked for identification as David A. Ringer Exhibit 3.

3 (Whereupon, the document referred to
4 as David A. Ringer Exhibit No. 3 was
5 marked for identification.)

6 MR. BELENDIUK: Finally, Your Honor, I'd like to
7 have marked as David A. Ringer Exhibit 4 a document entitled
8 Diversification. The exhibit consists of one page and a one-
9 page declaration.

10 JUDGE MILLER: The document you just described will
11 be marked for identification as David A. Ringer Exhibit 4.

12 (Whereupon, the document referred to
13 as David A. Ringer Exhibit No. 4 was
14 marked for identification.)

15 JUDGE MILLER: Do you offer Exhibit 1 in evidence?

16 MR. BELENDIUK: Yes, I do, Your Honor.

17 JUDGE MILLER: Mr. Koerner?

18 MR. KOERNER: No objection.

19 JUDGE MILLER: Ms. Conner?

20 MS. CONNER: No objection, Your Honor.

21 JUDGE MILLER: Mr. Alpert?

22 MR. ALPERT: No objection.

23 JUDGE MILLER: Mr. Yelverton?

24 MR. YELVERTON: No objection.

25 JUDGE MILLER: David A. Ringer Exhibit No. 1 is

1 received.

2 (Whereupon, the document referred to
3 as David A. Ringer Exhibit No. 1 was
4 received into evidence.)

5 JUDGE MILLER: Do you offer Exhibit 2?

6 MR. BELENDIUK: Yes, Your Honor.

7 JUDGE MILLER: David A. Ringer Exhibit 2 has been
8 offered. Mr. Koerner?

9 MR. KOERNER: No objection.

10 JUDGE MILLER: Ms. Conner?

11 MS. CONNER: No objection, Your Honor.

12 JUDGE MILLER: Mr. Alpert?

13 MR. ALPERT: No objection, Your Honor.

14 JUDGE MILLER: Mr. Yelverton?

15 MR. YELVERTON: No objection, Your Honor.

16 JUDGE MILLER: David A. Ringer Exhibit No. 2 is
17 received.

18 (Whereupon, the document referred to
19 as David A. Ringer Exhibit No. 2 was
20 received into evidence.)

21 JUDGE MILLER: Offer Exhibit 3?

22 MR. BELENDIUK: Yes, Your Honor.

23 JUDGE MILLER: Mr. Koerner?

24 MR. KOERNER: No objection, Your Honor.

25 JUDGE MILLER: Ms. Conner?

1 MS. CONNER: No, no objection, Your Honor.

2 JUDGE MILLER: Mr. Alpert?

3 MR. ALPERT: No objection, Your Honor.

4 JUDGE MILLER: Mr. Yelverton?

5 MR. YELVERTON: Yes, Your Honor, I have an
6 objection. It's indicated in the deposition transcripts of
7 Mr. Ringer that cost estimates for auxiliary power were not
8 included and without provision of such costs, auxiliary power
9 could not be accomplished. And I would cite to transcript
10 pages 28, 29, 31, and 32 that this item was not considered in
11 the cost estimates.

12 MR. BELENDIUK: Your Honor, if I -- if I may be
13 heard.

14 JUDGE MILLER: Go ahead.

15 MR. BELENDIUK: I, I don't have the benefit of Mr.
16 Ringer's deposition. Mr. Ringer will be called, I assume, as
17 a witness. Further, that's not my recollection of the
18 testimony. My recollection was Mr. Ringer's relying on the
19 former site and my recollection was that he was asked about
20 auxiliary power and did specify that he was proposing it.

21 MR. YELVERTON: Your Honor --

22 MR. BELENDIUK: -- without a specific line item in
23 his budget, which is what Mr. Yelverton is going towards, but
24 again this is something that can be brought out at hearing.

25 MR. YELVERTON: Your Honor, if I could respond to

1 that. Mr. Ringer testified that he assumed that Station WBBY,
2 which he'd be leasing facilities, had auxiliary power, but he
3 didn't know and didn't inspect and from what can be determined
4 from the deposition testimony of applicants that were familiar
5 with the facilities, there's, there's no indication that it
6 has auxiliary power.

7 MR. BELENDIUK: Well, now he's relying on someone
8 else's --

9 JUDGE MILLER: Mr., Mr. -- don't worry. Your
10 objection is overruled. Exhibit No. 3 is received.

11 (Whereupon, the document referred to
12 as David A. Ringer Exhibit No. 3 was
13 received into evidence.)

14 MR. BELENDIUK: Thank you. By the --

15 JUDGE MILLER: Whether he can or cannot do it is, is
16 a financial question. He promised that he's going to do it
17 and that's all that's, and that's all that I'm accepting this
18 for. Because he said he was going to do it. And I have no
19 problems with him -- what he says he's going to do. Now,
20 maybe -- if you can show -- if you get an issue that says that
21 -- he says he's going to do it, but he can't do it, well
22 that's another questions. All right. Exhibit 3's received,
23 subject to the ruling I've made.

24 JUDGE MILLER: Do you offer Exhibit No. 4?

25 MR. BELENDIUK: Yes, Your Honor.

1 JUDGE MILLER: Mr. Koerner?
2 MR. KOERNER: No objection, Your Honor.
3 JUDGE MILLER: Ms. Conner?
4 MS. CONNER: No objection, Your Honor.
5 JUDGE MILLER: Mr. Alpert?
6 MR. ALPERT: No objection, Your Honor.
7 JUDGE MILLER: Mr. Yelverton?
8 MR. YELVERTON: No objection.
9 JUDGE MILLER: I want -- Mr., Mr. Belendiuk, I am
10 not as familiar with this case as the other parties in this
11 room. There is a sentence that says he will sell his interest
12 -- do you see that sentence?
13 MR. BELENDIUK: Yes, Your Honor.
14 JUDGE MILLER: What is it -- what is his interest?
15 MR. BELENDIUK: Oh, I see. His interest, if I
16 remember correctly, is a 25 percent interest. And I'll have
17 him bring that out on, on direct if that's a --
18 JUDGE MILLER: Well, if you can see that the face of
19 this exhibit nor do -- don't do any of the other exhibits,
20 tell me what, what that interest is. All right? And I will
21 have some questions. Cross-examination questions of, of Mr.
22 Ringer on this exhibit, so that -- to bring out some, some
23 facts.
24 MR. BELENDIUK: Very good, Your Honor.
25 JUDGE MILLER: For example, when he acquired the

1 interest. Whether he acquired the interest prior to 12/30/91.

2 MR. BELENDIUK: I know that he did, Your Honor.

3 JUDGE MILLER: Well, but I'm just telling you --

4 MR. BELENDIUK: Okay.

5 JUDGE MILLER: -- the, the area that I intend to go
6 in -- that I intend to have some questions about. Okay?

7 MR. BELENDIUK: Okay.

8 JUDGE MILLER: All right. With that, Exhibit No. 4
9 -- Ringer Exhibit No. 4 is received.

10 (Whereupon, the document referred to
11 as David A. Ringer Exhibit No. 4 was
12 received into evidence.)

13 JUDGE MILLER: And does that complete your
14 evidentiary submission, Mr. Belendiuk?

15 MR. BELENDIUK: It does, Your Honor.

16 JUDGE MILLER: All right. We proceed now to Mr.
17 Koerner. Mr. Koerner?

18 MR. KOERNER: Your Honor, I have handed the Reporter
19 an original and one copy of a document entitled ASF
20 Broadcasting Corporation, Hearing Exhibits. It consists of
21 four numbered exhibits. Okay. Marked for identification as
22 ASF Broadcasting Corporation Exhibit No. 1, a one-page
23 document entitled Description of Applicant, attached to which
24 is a one-page declaration.

25 JUDGE MILLER: The document you just described will

1 be marked for identification as ASF Exhibit No. 1.

2 (Whereupon, the document referred to
3 as ASF Exhibit No. 1 was marked for
4 identification.)

5 MR. KOERNER: I'd like to have marked for
6 identification as ASF Exhibit No. 2, a one-page document
7 entitled Diversification, attached to which is a one-page
8 declaration.

9 JUDGE MILLER: The document you've just described
10 will be marked for identification as ASF Exhibit 2.

11 (Whereupon, the document referred to
12 as ASF Exhibit No. 2 was marked for
13 identification.)

14 MR. KOERNER: I'd like to have marked for
15 identification as ASF Exhibit No. 3, a three-page document
16 entitled Ardeth S. Frizzell, attached to which is a one-page
17 declaration.

18 JUDGE MILLER: The document you've just described
19 will be marked for identification as ASF Exhibit 3.

20 (Whereupon, the document referred to
21 as ASF Exhibit No. 3 was marked for
22 identification.)

23 MR. KOERNER: I'd like to have marked for
24 identification as ASF Exhibit 4, a one-page document entitled
25 Auxiliary Power, attached to which is a one-page declaration.

1 JUDGE MILLER: The document you've just described
2 will be marked for identification as ASF Exhibit 4.

3 (Whereupon, the document referred to
4 as ASF Exhibit No. 4 was marked for
5 identification.)

6 MR. KOERNER: At this time, I'd like to move into
7 evidence exh-- what's been identified as ASF Exhibit 1.

8 JUDGE MILLER: All right. Ms. Conners, any
9 objections?

10 MS. CONNER: No, Your Honor.

11 JUDGE MILLER: Mr. Alpert?

12 MR. ALPERT: No, Your Honor.

13 JUDGE MILLER: Mr. Yelverton?

14 MR. YELVERTON: No, Your Honor.

15 JUDGE MILLER: Mr. Belendiuk?

16 MR. BELENDIUK: No, Your Honor.

17 JUDGE MILLER: ASF Exhibit No. 1 is received.

18 (Whereupon, the document referred to
19 as ASF Exhibit No. 1 was received
20 into evidence.)

21 JUDGE MILLER: Do you offer ASF Exhibit 2?

22 MR. KOERNER: I do, Your Honor.

23 JUDGE MILLER: Ms. Conners?

24 MS. CONNER: No objection, Your Honor.

25 JUDGE MILLER: Mr. Alpert?